IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 3766 of 2005

Tirupati Industries (India) Ltd. ..Petitioners

vs.

State of Maharashtra and ors. ..Respondents

Shri M.M.Vashi for petitioners
Shri P.I.Khemani, A.G.P. for respondent no.1‘
Shri P.P.Chavan i/b Little & Co. for respondent nos.2 and 3.

CORAM: A.P.SHAH &
Dr.D.Y.CHANDRACHUD JJ.
27th June, 2005

P.C.

1. Rule. Respondents waive service.

2. By consent rule is made returnable forthwith.

3. The petitioner is permitted to amend the cause title of the petition and the relevant paragraphs of the petition by deleting the name of respondent no.2 and impleading Maharashtra State Distribution Company Ltd. as respondent no.2. The petitioner shall carry out the amendments within one week from today.

4. The order dated 23rd March, 2005 being Exh.Q to the petition is hereby set aside and the Chief Engineer (Commercial Section) Maharashtra Statel

Distribution Company Ltd. is directed to decide the following issues.

i) The eligibility of the petitioner for availing of the benefit under the letter dated 16th November, 1996 being Exh.A to the petition issued by the State Government.

ii) If the petitioner is eligible for the benefit as sick industry in the light of the letter dated 16th November, 1996 being Exh.A to the petition then the amount payable by the petitioner to Maharashtra State Distribution Company Ltd. for the period 1991 to 1995.

iii) If the petitioner is not eligible for the benefit as sick industry in the light of letter dated 16th November, 1996 then the amount payable by the petitioner to the Maharashtra State Distribution Company Ltd.

4. The Chief Engineer shall decide the aforesaid issues within a period of six weeks from today, after giving due opportunity of hearing to the petitioner and without being influenced by the letter dated 5th May, 2001 issued by Directlorate of Industries, State of Maharashtra.

5. Writ Petition stands disposed of.

6. No order as to costs.